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wealth v. Jackson, 11 Bush. (Ky.) 679, 21 Am. Rep. 225; *Dumas v. State*, 14 Tex. Cr. App. 464, 46 Am. Rep. 241.

CONDITIONAL SALES—GOODS SOLD TO RETAILER TO BE RESOLD IN REGULAR COURSE OF BUSINESS—BONA FIDE PURCHASERS.—The plaintiff sold certain goods to a dealer in general merchandise and, under a conditional sales contract, reserved title to the goods in himself until paid for. The retailer gave a chattel mortgage on his stock, including the goods sold by plaintiff to his creditors to secure their claims. *Held*, plaintiff can recover the goods. *Mishawaka Woolen Mfg. Co. v. Stanton* (Mich.), 154 N. W. 48. See NOTES, p. 393.

CONFLICT OF LAWS—PENAL STATUTES—CONSTRUCTION BY COURTS OF FORUM.—A Massachusetts statute provided that where a corporation by its negligence causes the death of a person who is in the exercise of due care, it shall be liable in damages to the executor or administrator of the deceased in the sum of not less than \$500, nor more than \$10,000, to be assessed with reference to the degree of the culpability of the corporation or its agents. The defendant corporation caused the death of the intestate in Massachusetts and the plaintiff as administrator of the deceased, brought an action in New York against the defendant under the above Massachusetts statute, which statute had been construed as penal by the courts of Massachusetts. *Held*, the action may be maintained, since the statute is not penal in the sense such term is used in private international law. *Loucks v. Standard Oil Co. of N. Y.*, 156 N. Y. Supp. 7.

Where a right of action is created by a purely remedial statute, it is transitory and may be enforced in another state, provided it is not contrary to the laws of the latter state. *Leonard v. Columbia, etc., Co.*, 84 N. Y. 48, 38 Am. Rep. 491; *Wooden v. Western New York, etc., R. Co.*, 126 N. Y. 10, 26 N. E. 1050; *Nelson v. Chesapeake & Ohio R. Co.*, 88 Va. 971, 14 S. E. 838, 15 L. R. A. 583, and note. But the courts of one state do not enforce the penal laws of another state. *Nat. Bank v. Price*, 33 Md. 487, 3 Am. Rep. 204; *Dale v. Atchison, etc., R. Co.*, 57 Kan. 601, 47 Pac. 521; MINOR, CONFLICT OF LAWS, § 10. And by the better view, any law whose purpose is not merely to compensate the plaintiff for damage suffered, but to impose an additional burden upon the wrongdoer by way of a punishment, is to that extent penal. *Matheson v. Kansas City, etc., R. Co.*, 61 Kan. 667, 60 Pac. 747; *Raisor v. Chicago, etc., R. Co.*, 215 Ill. 47, 74 N. E. 69; *Langdon v. New York, etc., R. Co.*, 58 Hun (N. Y.) 122, 11 N. Y. Supp. 514. See MINOR, CONFLICT OF LAWS, § 10. The statute in the principal case, therefore, would clearly seem to be a penal one in the proper sense of the term, since the amount recoverable is arbitrarily fixed between certain limits, regardless of the actual damage suffered by the plaintiff. *Christilly v. Warner*, 87 Conn. 461, 88 Atl. 711; *Adams v. Railroad Co.*, 67 Vt. 76, 30 Atl. 687; *Dale v. Atchison, etc., R. Co.*, *supra*; *Matheson v. Kansas City, etc., R. Co.*, *supra*.

The courts of the forum will give, in general, to the statute of a foreign state the same meaning as that adopted by the courts of that

state. *Georgia, etc., Co. v. Sassar*, 4 Ga. App. 276, 61 S. E. 505; *Hamilton v. Hannibal, etc., R. Co.*, 39 Kan. 56, 18 Pac. 57. But, by the better view, the courts of the forum are not bound by the construction placed upon a statute by the courts of the enacting state as to the penal nature of such statute, but will themselves decide whether the statute as construed by the courts of the state of its enactment is in fact penal in the sense that this term is used in private international law. *Huntington v. Attrill*, (1893) A. C. 150, 8 Times Law Rep. 341; *Southern Ry. v. Decker*, 5 Ga. App. 21, 62 S. E. 678; *Cary v. Schmeltz*, 141 Mo. App. 570, 125 S. W. 532. See *Whitlow v. Nashville, etc., R. Co.*, 114 Tenn. 344, 84 S. W. 618, 68 L. R. A. 503; *Huntington v. Attrill*, 146 U. S. 657; 1 VA. L. REV. 395. The courts of the enacting state are considering the statute purely from the standpoint of municipal law; while the courts of the forum regard it from an entirely different standpoint, namely, that of private international law. And since the principles governing the two systems are so widely dissimilar, it would clearly seem that the courts of the forum should not be bound by the construction placed upon the statute by the courts of the state of its enactment. See *Huntington v. Attrill*, (1893) A. C. 150, 155; 1 VA. L. REV. 394. The opposite conclusion, however, has been reached in some jurisdictions. *Christilly v. Warner, supra*; *Commercial Nat. Bank v. Kirk*, 222 Pa. 567, 71 Atl. 1085.

CONSTITUTIONAL LAW—EQUAL PROTECTION OF THE LAW—DISCRIMINATION AGAINST ALIENS.—A statute prohibited any employer of more than five workers to employ less than eighty *per cent* qualified electors or native-born citizens of the United States. *Held*, the statute is unconstitutional, since it denies to aliens the equal protection of the law. *Truax v. Raich*, 36 Sup. Ct. 7. See NOTES, p. 390.

CONSTITUTIONAL LAW—STATE OFFICERS—POWER OF REMOVAL.—A state statute created the office of Motor Vehicles Commissioner and vested the power of appointment in the Board of Sinking Fund Commissioners. The statute provided for no fixed term of office and was silent on the question of removal. *Held*, the power of removal was not incident to the power of appointment. *Commissioners of Sinking Fund v. Byars* (Ky.), 180 S. W. 380. See NOTES, p. 388.

CONSTITUTIONAL LAW—VALIDITY OF STATE STATUTE FORBIDDING ACTS OF EMPLOYER TO PREVENT EMPLOYEE'S BELONGING TO LABOR UNION.—A state statute made it unlawful for an employer to prevent employees from joining or belonging to a labor union, or to coerce employees by threats of discharge because of their connection with a labor union. *Held*, the statute is unconstitutional, since it violates the Fourteenth Amendment protecting the freedom of contract from restrictive state laws. *Jackson v. Berger* (Ohio), 110 N. E. 732. For discussion of principles involved, see 2 VA. L. REV. 540.

CONSTRUCTIVE TRUSTS—PURCHASE BY AGENT—PAROL EVIDENCE.—The complainant employed the defendant, by parol, as agent to buy certain